

## Calendar No. 40

104TH CONGRESS }  
1st Session }

SENATE

{ REPORT  
104-19 }

### CHACOAN OUTLIERS PROTECTION ACT OF 1995

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MARCH 27, 1995.—Ordered to be printed

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Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, submitted the following

### REPORT

[To accompany S. 226]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 226) to designate additional land as within the Chaco Culture Archeological Protection Sites, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

#### PURPOSE OF THE MEASURE

The purpose of S. 226, as ordered reported, is to expand the system of Chaco Culture Archeological Protection Sites in New Mexico by adding 7 new sites, enlarging 13 others, reducing 4 sites and deleting 2, for a new increase of 5,081 acres to the system.

#### BACKGROUND AND NEED

Chaco Canyon lies within the San Juan basin in northwestern New Mexico. The site, which contains the archeological remains of the Chacoan Anasazi Indian culture, was designated a national monument in 1907. The canyon was the center of the Anasazi civilization, which emerged and then mysteriously disappeared within a brief 400-year period, from 900 A.D. to 1300 A.D.

After the monument was established, subsequent exploration led to the discovery of outlying sites, some as far as 100 miles from Chaco Canyon. These sites, spread out over 30,000 square miles, were the remnants of a network of outlying communities, all linked to Chaco Canyon and the other sites by an extensive system of prehistoric roads. In the late 1920's, the monument was expanded to

include additional ruins that were ascertained to be of Chacoan Anasazi affiliation.

In the 1950's and 1960's, increased energy and mineral exploration and development in the region led to the discovery of a number of additional Chacoan outliers. In 1980, Congress passed Public Law 96-550. Title V of that Act renamed the monument the "Chaco Culture National Historical Park," enlarging the site by approximately 13,000 acres to a size of approximately 33,990 acres.

The legislation also created a system of Chaco Culture Archeological Protection Sites, consisting of 33 outlying sites totaling approximately 8,800 acres. Unlike Chaco Culture National Historical Park, these sites are not administered as units of the National Park System. Instead, they are managed primarily by the Bureau of Land Management, the Bureau of Indian Affairs, and the Navajo Nation. The addition or deletion of sites to or from the system may only be authorized by an Act of Congress.

Large deposits of uranium, natural gas, oil and coal are believed to lie beneath the San Juan basin. Energy exploration and development are permitted on and adjacent to the archeological protection sites as long as such exploration and development does not endanger the cultural values of the sites.

#### LEGISLATIVE HISTORY

S. 226 was introduced by Senator Domenici on January 13, 1995. H.R. 517, a companion bill, was introduced in the House of Representatives on January 13, 1995, and subsequently passed the House on March 14.

At the business meeting on March 15, 1995, the Committee on Energy and Natural Resources ordered S. 226 favorably reported, without amendment.

Last Congress, the Committee reported and the Senate passed similar legislation. Legislation was also passed by the House of Representatives but the two bills were not reconciled prior to the adjournment of the Congress. The Senate also passed similar legislation during the 102nd and 101st Congress.

#### COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Committee on Energy and Natural Resources, in open business session on March 15, 1995, by a unanimous vote of a quorum present, recommends that the Senate pass S. 226, without amendment.

The roll call vote on reporting the measure was 18 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Murkowski	
Mr. Hatfield*	
Mr. Domenici	
Mr. Nickles*	
Mr. Craig	
Mr. Thomas	
Mr. Kyl*	
Mr. Grams	
Mr. Jeffords*	

Mr. Burns  
Mr. Campbell  
Mr. Johnston  
Mr. Bumpers  
Mr. Ford  
Mr. Bradley  
Mr. Bingaman\*  
Mr. Akaka  
Mr. Wellstone

\* Indicates voted by proxy.

#### SECTION-BY-SECTION ANALYSIS

*Section 1* entitles the bill the "Chacoan Outliers Protection Act of 1995".

*Section 2* amends Public Law 96-550, section 501, to make conforming changes.

*Section 3* amends subsection 502(b) of Public Law 96-550 to update the table listing the 39 Chacoan Outlier sites, as depicted on the referenced map. The map is to be made available for public inspection in the appropriate offices of the National Park Service, the Bureau of Land Management, the Bureau of Indian Affairs, and the offices of the Arizona and New Mexico State Historic Preservation Officers.

*Section 4* amends section 503 of Public Law 96-550 by clarifying the use of the term "Secretary" as referring to the Secretary of the Interior.

*Section 5* amends section 504(c)(2) of Public Law 96-550 to direct the Secretary to seek to use a combination of land acquisition authority and cooperative agreements to protect archeological resources at those sites remaining in private ownership.

*Section 6* amends section 506 of Public Law 96-550 by adding a new subsection (f), which authorizes the Secretary to assist the Navajo Nation in the protection and management of those Chaco Culture Archeological Protection Sites located on Navajo lands through means approved by the Indian Self-Determination and Education Act (Public Law 93-638). This new subsection also describes the assistance that the Secretary shall provide, including development of a Navajo facility associated with the sites.

#### COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, March 17, 1995.

Hon. FRANK H. MURKOWSKI,  
*Chairman, Committee on Energy and Natural Resources,*  
*U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 226, the Chacoan Outliers Protection Act of 1995, as ordered reported by the Senate Committee on Energy and Natural Resources on March 15, 1995. Enacting this legislation would re-

sult in no significant cost to the federal government in the next five years, and in no cost to state or local governments. Because enactment of S. 226 would not affect direct spending, pay-as-you-go procedures would not apply.

S. 226 would expand the number of Chaco culture archeological protection sites administered by the Department of the Interior. Most of the newly added sites are already on public lands and would probably require only minor stabilization, protection, and interpretation. A few sites are on private lands that could eventually be purchased by the federal government, but no purchases are planned at this time.

On February 23, 1995, CBO prepared a cost estimate for H.R. 517, the Chacoan Outliers Protection Act of 1995, as ordered reported by the House Committee on Resources on February 15, 1995. The two estimates are identical.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

JAMES L. BLUM  
(For June E. O'Neill, Director).

#### REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 226. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 226, as ordered reported.

#### EXECUTIVE COMMUNICATIONS

On March 21, the Committee on Energy and Natural Resources has requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on S. 226. These reports had not been received at the time the report on S. 226 was filed. When these reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate.

#### CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 226, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

## PUBLIC LAW 96-550

AN ACT to designate certain National Forest System lands in the State of New Mexico for inclusion in the National Wilderness Preservation System, and for other purposes

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## TITLE V—CHACO CULTURE NATIONAL HISTORIC PARK

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## SEC. 501(a) \* \* \*

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(b) It is the purpose of this title to recognize the unique archeological resources associated with the prehistoric Chacoan culture in the [San Juan Basin;] *San Juan Basin and surrounding areas*; to provide for the preservation and interpretation of these resources; and to facilitate research activities associated with these resources.

SEC. 502. (a) There is hereby established in the State of New Mexico, the Chaco Culture National Historical Park comprising approximately thirty three thousand nine hundred and eighty nine acres as generally depicted on the map entitled “Chaco Culture National Historical Park”, numbered 310/80,032-A and dated August 1979. The Chaco Canyon National Monument is hereby abolished, as such, and any funds available for the purpose of the monument shall be available for the purpose of the Chaco Culture National Historical Park.

[(b) Thirty three outlying sites generally depicted on a map entitled “Chaco Culture Archeological Protection Sites”, numbered 310/80,33-A and dated August 1980, are hereby designated as “Chaco Culture Archeological Protection Sites”. The thirty three archeological protection sites totaling approximately eight thousand seven hundred and seventy one acres are identified as follows:

[Name:	Acres
Allentown .....	42
Andrews Ranch .....	640
Bee Burrow .....	40
Bisa'ani .....	131
Casa del Rio .....	40
Coolidge .....	15
Dalton Pass .....	10
Great Bend .....	19
Greenlee Ruin .....	60
Grey Hill Spring .....	23
Halfway House .....	40
Haystack .....	115
Hogback .....	371
Indian Creek .....	100
Jacques .....	40
Kin Nizhoni .....	726
Lake Valley .....	30
Las Ventanas .....	31
Morris 41 .....	85
Muddy Water .....	1,210
Newcomb .....	44
Peach Springs .....	985
Pierre's Site .....	440
Raton Well .....	23
San Mateo .....	14
Sanostee .....	1,565
Section 8 .....	40

Skunk Springs/Crumpled House .....	588
Standing Rock .....	321
Twin Angels .....	40
Toh-la-kai .....	10
Upper Kin Klizhin .....	60
Squaw Springs .....	870

(b)(1) *Thirty-nine outlying sites as generally depicted on a map entitled "Chaco Culture Archaeological Protection Sites", numbered 310/80,033-B and dated September 1991, are hereby designated as "Chaco Culture Archaeological Protection Sites". The thirty-nine archaeological protection sites totaling approximately 14,372 acres identified as follows:*

	Acres
Allentown .....	380
Andrews Ranch .....	950
Bee Burrow .....	480
Bisa'ani .....	131
Casa del Rio .....	40
Casamero .....	160
Chimney Rock .....	3,160
Coolidge .....	450
Dalton Pass .....	135
Dittert .....	480
Great Bend .....	26
Greenlee Ruin .....	60
Grey Hill Spring .....	23
Guadalupe .....	115
Halfway House .....	40
Haystack .....	565
Hogback .....	453
Indian Creek .....	100
Jacques .....	66
Kin Nizhoni .....	726
Lake Valley .....	30
Manulito-Atsee Nitsaa .....	60
Manuelito-Kin Hchoi .....	116
Morris 41 .....	85
Muddy Water .....	1,090
Navajo Springs .....	260
Newcomb .....	50
Peach Springs .....	1,046
Pierre's Site .....	440
Raton Well .....	23
Salmon Ruin .....	5
San Mateo .....	61
Sanostee .....	1,565
Section 8 .....	10
Skunk Springs/Crumpled House .....	533
Standing Rock .....	348
Toh-la-kai .....	10
Twin Angeles .....	40
Upper Kin Klizhin .....	60

(2) *The map referred to in paragraph (1) shall be kept on file and available for public inspection in the appropriate offices of the National Park Service, the office of the State Director of the Bureau of Land Management located in Santa Fe, New Mexico, the office of the Area Director of the Bureau of Indian Affairs located in Window Rock, Arizona, and the offices of the Arizona and New Mexico State Historic Preservation Officers.*

\* \* \* \* \*

SEC. 503. The Secretary of the Interior (*referred to in this title as the "Secretary"*) shall continue to search for additional evidences

of Chacoan sites and submit to Congress within two years of date of enactment of this Act and therefore as needed, his recommendations for additions to, or deletions from, the list of archeological protection sites in section 502(b) of this title. Additions to or deletions from such list shall be made only by an Act of Congress.

\* \* \* \* \*  
SEC. 504(a) \* \* \*

\* \* \* \* \*  
(c)(1) \* \* \*

[(2) The Secretary shall attempt to enter into cooperative agreements pursuant to section 505 of this Act with owners of private property for those archeological protection sites described in section 502(b) of this Act. The Secretary shall acquire fee title to any such private property only if it is necessary to prevent direct and material damage to, or destruction of, Chaco cultural resources and no cooperative agreement with the owner of the private property interest can be effected.]

*(2) The Secretary shall seek to use a combination of land acquisition authority under this section and cooperative agreements under section 505 to protect archeological resources at such sites described in section 502(b) as remain in private ownership.*

\* \* \* \* \*  
SEC. 506(a) \* \* \*

\* \* \* \* \*  
*(f)(1) The Secretary, acting through the Director of the National Park Service, shall assist the Navajo Nation in the protection and management of such Chaco Culture Archeological Protection Sites as are located on lands under the jurisdiction of the Navajo Nation through a grant, contract, or cooperative agreement entered into under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).*

*(2) The assistance provided under paragraph (1) shall—*

*(A) consist of assistance in site planning, resource protection, interpretation, resource management actions, and such other activities as may be identified in the grant, contract, or cooperative agreement; and*

*(B) include assistance with the development of a Navajo facility to serve persons who seek to appreciate the Chacoan Outlier Sites.*